IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4422 OF 2004

Bhagwan Narayan Bhoir ... Applicant

versus

State of Maharashtra ... Respondent

...

Mr. Sachin U. Dhakephalkar, for the Applicant.

Mr. V.B. Konde Deshmukh, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

19th October 2004

P.C.:

. Heard Counsel for the parties. Perused the record. This is the third bail application preferred by the Applicant. The present application is filed in view of the liberty granted while rejecting the second bail application by order dated 21st June 2004. The only changed circumstance for filing the third application is the Chemical Analyser’s report made available to the Applicant, which excludes

the possibility of the Applicant involved in the commission of offence, as the inconclusive report is submitted in respect of blood stained clothes. This by itself in my opinion cannot be sufficient reason to enlarge the Applicant on bail. In the first order, the Court has considered all the aspects of the matter and has rejected the request of the Applicant for bail. Those reasons cannot be ignored while considering the present application merely because of the availability of the Chemical Analyser's report at the subsequent point of time. Further, the learned A.P.P. points out that the C.A. report is positive. Even otherwise, this cannot be sufficient ground to grant bail to the Applicant. Accordingly, this application should fail. The same is dismissed.

. As the offence pertains to year 2002, the trial of the Sessions Case pending before the Sessions Judge at Kalyan is expedited. The case is already referred to the Fast Track Court. The trial be concluded, preferably by the end of July 2005.

(A.M.KHANWILKAR,J.)